IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No.2400 of 2001
Date of decision : 03.10.2007

Kanti Parshad Garg

… Petitioner

Versus

State Bank of India Faridabad and others

…Respondents

Present : Mr.Rajesh Arora, Advocate for the petitioner

Mr.R.M.Suri,Advocate for respondent No.1.

Mr.Harsh Kinra, Advocate for respondents No.2 and 3.

Vinod K.Sharma, J. (Oral)

This revision petition has been filed against the order passed by the learned Executing Court dismissing the objections moved by the Objector Kanti Parshad Garg under Order 21 Rule 58 CPC on the plea that objector is in possession over a portion of the suit land, now succeeded by his heirs, who was running factory under the name and style M/s Raj Industries etc.

It was claimed that the auction took place on 28.1.1998 in respect of land and building and the objector was the highest bidder and made the bid for Rs.22.10 lacs. Whole of the amount has been paid and therefore, being owner of the land in question was not bound by the judgment and decree.

Learned counsel appearing on behalf of the petitioner contended that as he was third party, therefore, the learned executing Court was bound to frame the issues and thereafter give opportunity to the parties to lead evidence and decide the objections as the order deciding objection is to be treated as decree.

It is not necessary to go into the merits of the present petition as the impugned order dismissing objections of third party is appealable in view of the law laid down by the Division Bench of this Court in the case of

Avinash Chander v. Mohan Lal and another AIR 1984 Punjab and Haryana 391.

In view of the Division Bench judgment of this Court in **Avinash Chander (supra),** no benefit can be drawn by the petitioner from the law laid down in the case of **Suresh Kumar vs. Niranjan Singh 2001 (1) Civil Court Cases 509.**

Consequently, this revision petition is dismissed being not competent as the petitioner has an alternative remedy of filing the appeal. However, keeping in view the fact that the petitioner has been bona fide prosecuting this revision petition in case the appeal is filed within 15 days from the receipt of certified copy of the order, the same shall be disposed of on merit.

[**Vinod K.Sharma**]

Judge

03.10.2007

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